

FILED

OCT 28 2015

Phil Lombardi, Clerk
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1 WILLIE GILLIAM,
Plaintiff

vs.

2 JOCO ASSEMBLY, LLC
3 STANDBY PERSONNEL, INC.

Case No. **15 CV - 622 CVE - FHM**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Section 1441 and Section 1446, the Defendant, JOCO Assembly, LLC, files this Notice of Removal and in support thereof states and alleges as follows:

1. JOCO Assembly, LLC is a defendant in the civil action filed on October 7, 2015, by the Plaintiff in the District Court of Tulsa County, State of Oklahoma, Case No. CJ-2015-03694 ("State Court Action").

2. This Notice of Removal is filed within 30 days after the Defendant, JOCO Assembly, LLC was served with the initial pleading in the State Court Action setting forth the claim or claims for relief upon which the action is based.

3. Plaintiff's Petition filed in the State Court Action alleges a federal law claim against Defendant, JOCO Assembly, LLC under Title VII of the Civil Rights Act of 1964 (42 U.S.C. section 2000e et seq.) for racial discrimination and a claim arising under the Oklahoma Anti-Discrimination Act. This Court has federal question jurisdiction pursuant to 28 U.S.C. section 1331 and supplemental jurisdiction over the state-law claim pursuant to 28 U.S.C. section 1367.

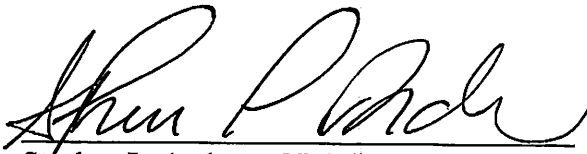
4. Counsel for Defendant Standby Personnel, Inc. has authorized the undersigned to state that Standby Personnel, Inc. consents to the removal of this action.

filed

5. As required by Local Rule 81.2 true and correct copies of all pleadings filed in the State Court Action and the docket sheet for the State Court are attached to this Notice of Removal.

ANDREW & WILLIAMS, P.C.
2120 East 15th Street,
Tulsa, Oklahoma 74104
(918) 583-1111 (Phone)
(918) 587-4414 (Fax)
Steve@AWILaw.com
Renee@AWILaw.com

By:


Stephen L. Andrew, OBA # 294
Renee Williams, OBA #13061

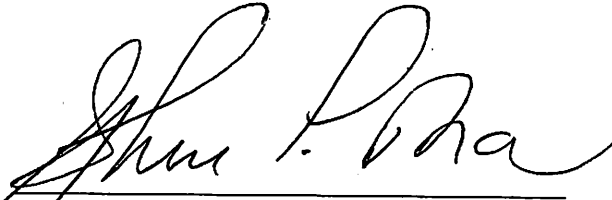
ATTORNEYS FOR DEFENDANT
JOCO Assembly, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of October, 2015, the foregoing document was mailed with sufficient postage to:

Daniel E. Smolen
Smolen, Smolen & Roytman, P.C.
701 South Cincinnati Avenue
Tulsa, OK 74119

Thomas D. Robertson
Barrow & Grimm, P.C.
110 W. 7th Street, Suite 900
Tulsa, OK 74119


Stephen L. Andrew
Renee Williams



OKLAHOMA State Courts Network

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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

WILLIE GILLIAM,
Plaintiff,

v.

JOCO ASSEMBLY LLC,
Defendant, and
STANDBY PERSONNEL INC,
Defendant.

No. CJ-2015-3694

(Civil relief more than \$10,000: DISCRIMINATION)

Filed: 10/07/2015

Judge: Wall, Caroline

PARTIES

GILLIAM, WILLIE, Plaintiff
JOCO ASSEMBLY LLC, Defendant
STANDBY PERSONNEL INC, Defendant

ATTORNEYS

Attorney

SMOLEN, DANIEL E (Bar #19943)
701 S. CINCINNATI
TULSA, OK 74119

Represented Parties

GILLIAM, WILLIE

EVENTS

None

ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1. Issue: DISCRIMINATION (DISCRIM)
Filed By: GILLIAM, WILLIE
Filed Date: 10/07/2015





Party Name**Disposition Information****Defendant:**

STANDBY PERSONNEL INC

Defendant:



JOCO ASSEMBLY LLC

DOCKET

Date	Code	Description	Count	Party	Amount
10-07-2015	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.	1		
10-07-2015	DISCRIM	DISCRIMINATION			
10-07-2015	DMFE	DISPUTE MEDIATION FEE			\$ 2.00
10-07-2015	PFE1	PETITION Document Available (#1030907158)  TIFF  PDF			\$ 163.00
10-07-2015	PFE7	LAW LIBRARY FEE			\$ 6.00
10-07-2015	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
10-07-2015	CCADMIN02	COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS			\$ 0.20
10-07-2015	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 2.00
10-07-2015	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
10-07-2015	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
10-07-2015	LTF	LENGTHY TRIAL FUND			\$ 10.00
10-07-2015	SMF	SUMMONS FEE (CLERKS FEE)-2			\$ 10.00
10-07-2015	SMIMA	SUMMONS ISSUED - MAILED BY ATTORNEY			
10-07-2015	COPY	COPIES CHARGED			\$ 10.00
10-07-2015	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE WALL, CAROLINE TO THIS CASE.			
10-07-2015	ACCOUNT	RECEIPT # 2015-3187578 ON 10/07/2015. PAYOR:SMOLEN SMOLEN TOTAL AMOUNT PAID: \$233.70. LINE ITEMS: CJ-2015-3694: \$183.00 ON AC01 CLERK FEES. CJ-2015-3694: \$6.00 ON AC23 LAW LIBRARY FEE. CJ-2015-3694: \$0.70 ON AC31 COURT CLERK REVOLVING FUND. CJ-2015-3694: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2015-3694: \$2.00 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2015-3694: \$2.00 ON AC64 DISPUTE MEDIATION FEES. CJ-2015-3694: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2015-3694: \$10.00 ON AC81 LENGTHY TRIAL FUND.			
10-19-2015	S	PARTY HAS BEEN SUCCESSFULLY SERVED. JOCO ASSEMBLY LLC SERVED / CERT MAIL / SIG ILLEGIBLE / NO DEL DATE Document Available (#1031272351)  TIFF  PDF		JOCO ASSEMBLY LLC	
10-19-2015	S	PARTY HAS BEEN SUCCESSFULLY SERVED. STANDBY PERSONNEL		STANDBY PERSONNEL	

INC SERVED / CERT MAIL / SIGNED BY WILLIA? HARDEN / DEL ON 10-9-15

INC

Document Available (#1031272355)  TIFF  PDF



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

Caroline Way

WILLIE GILLIAM,

Plaintiff,

vs.

JOCO ASSEMBLY, LLC,
STANDBY PERSONNEL INC
Defendants.

CJ-2015-03694
Case No.

Attorney Lien Claimed

**DISTRICT COURT
FILED**

OCT -7 2015

PETITION

COMES NOW the Plaintiff, Lavern Taylor, by and through ^{SALLY HOWE SMITH, COURT CLERK} ~~State of Oklahoma~~,
Daniel E. Smolen, of *Smolen, Smolen & Roytman, PLLC*, and brings this action against
the Defendant, JOCO Assembly, LLC and Standby Personnel, Inc. for violation of
Plaintiff's constitutionally protected rights arising out of his employment and termination
by said Defendants. In support of his Petition, Plaintiff states as follows:

PARTIES, JURISDICTION & VENUE

1. This is an action for damages and to secure protection of and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000-2, hereinafter ("Title VII").
2. Plaintiff, Willie Gilliam, an African American male and resident of the State of Oklahoma, filed a charge of discrimination against the Defendants with the Equal Employment Opportunity Commission ("EEOC"). Plaintiff complained to the EEOC of discrimination based on his race.
3. Plaintiff received a Notice of Right to Sue on July 11, 2015, and this Petition has been filed within ninety (90) days of the receipt of the Notice of Right to Sue.

SALLY HOWE SMITH
COURT CLERK

2015 OCT -7 PM 4:02

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4. As such, Plaintiff has exhausted his available administrative remedies and has complied fully with all prerequisites in this Court under Title VII and the OADA.
5. Actual and Compensatory damages are sought pursuant to 42 U.S.C. § 2000e-5(g) and 25 O.S. § 1301 et seq.
6. Punitive damages are sought pursuant to 42 U.S.C. § 1981-A and 25 O.S. § 1301 et seq.
7. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e 5(g) and 25 O.S. § 1301 et seq.
8. Plaintiff is a resident of Tulsa County, State of Oklahoma.
9. Defendant, JOCO Assembly, LLC, operates in Tulsa County and regularly employs more than fifteen (15) employees.
10. Defendant, Standby Personnel, Inc., operates in Tulsa County and regularly employs more than fifteen (15) employees
11. The incidents and occurrences giving rise to Plaintiff's claims occurred in Tulsa County, State of Oklahoma.
12. Therefore, jurisdiction and venue properly lie in this Court.

FACTS COMMON TO PLAINTIFF'S CLAIMS

13. Plaintiff incorporates the preceding paragraphs as if re-alleged.
14. Plaintiff began his employment with JOCO around March 27, 2014 and was placed there as a temporary employee through Standby Personnel. He was employed as a latch maker and his immediate supervisors were Kevin and Rob.

15. The Plaintiff was hired on a 90-day temporary to permanent employee basis. He performed his job duties satisfactorily but experienced racial discrimination from his immediate supervisor during his employment.
16. During his employment, the Plaintiff's direct supervisor, Kevin, began using racial slurs, and called the Plaintiff a "nigger," on numerous occasions.
17. The Plaintiff complained to Holly, an employee of Standby Personnel and nothing was done to contact JOCO or to remedy the situation. The Plaintiff also complained to his supervisors at JOCO and the racial name-calling continued.
18. Then, just before the Plaintiff met his 90-day required temporary employee status, he was terminated from his employment. Around this time, a number of other black employees were terminated as well.
19. This constitutes discriminatory discharge based upon race.

FIRST CLAIM FOR RELIEF
DISCRIMINATION BASED ON RACE (TITLE VII) AND THE OKLAHOMA
ANTI-DISCRIMINATION ACT (OADA) 25 O.S. § 1301 ET SEQ

19. Plaintiff incorporates the preceding paragraphs as if re-alleged.
20. By continually subjecting the Plaintiff to racial hostility, terminating the Plaintiff, and treating him differently than similarly-situated Caucasian employees in regards to termination, Defendant violated Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act (OADA) 25 O.S. § 1301 et seq.
21. By Standby Personnel's failure to remedy the racially hostile environment that Plaintiff was placed into by Standby, Standby has discriminated against the Plaintiff based upon his race.

WHEREFORE, Plaintiff prays for judgment against Defendants for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for his mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by Defendants' management and executives;
- d. His attorney fees and the costs and expenses of this action;
- e. Equitable Relief.
- f. Such other relief as the Court deems just and equitable.

SECOND CLAIM FOR RELIEF
42 U.S.C. § 1981

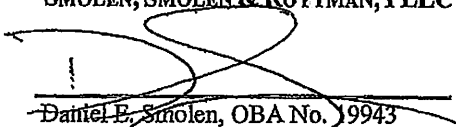
- 22. Plaintiff incorporates the preceding paragraphs as if re-alleged.
- 23. By continually subjecting Plaintiff to racial hostility, and ultimately terminating his employment, Defendant and its agents have violated 42 U.S.C §1981.

WHEREFORE, Plaintiff prays for judgment against Defendants for:

- a. Back pay and lost benefits; front pay until normal retirement;
- b. Compensatory damages for his mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by Defendants' management and executives;
- d. His attorney fees and the costs and expenses of this action;
- e. Equitable Relief.
- f. Such other relief as the Court deems just and equitable.

Respectfully submitted,

SMOLEN, SMOLEN & ROYTMAN, PLLC


Daniel E. Smolen, OBA No. 19943
701 South Cincinnati Avenue
Tulsa, OK 74119
(918) 585-2667
(918) 585-2669 (Fax)
Attorneys for Plaintiff

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA



WILLIE GILLIAM,

Plaintiff,

vs.

JOCO ASSEMBLY, LLC,
STANDBY PERSONNEL INC
Defendants.

CJ-2015-03694

Attorney Lien Claimed

ORIGINAL SUMMONS

DISTRICT COURT
FILED

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED **OCT 19 2015**

Joco Assembly, LLC
c/o Joseph Kurek
713 E. Ocala
Broken Arrow, OK 74011

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

To the above-named Defendant(s)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
answer after s copy o the pet	<p>1. Article Addressed to:</p> <p>Joco Assembly, LLC c/o Joseph Kurek 713 E. Ocala Broken Arrow, OK 74011</p>	<p>A. Signature X <i>[Signature]</i></p>	
	<p>2. Article Number (Transfer from service label)</p> <p>7012 2920 0002 3932 5984</p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
(Seal)	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt (S)</p>	

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE

I certify that I received the foregoing Summons the _____ day of _____, 2015, and that I

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delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2015, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

NOT FOUND

Received this Summons this _____ day of _____, 2015. I certify that the following persons of the defendant within named not found in said County:

FEES

Fee for service \$ _____, Mileage \$ _____

Total \$ _____

Dated this _____ day of _____, 2015.

By:

Sheriff of _____ County,

AFFIDAVIT

I, _____, the undersigned, under oath, do say that I served this Summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Sheriff of _____ County,

Subscribed to and sworn to before me this _____ day of _____, 2015.

My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the 8 day of Oct, 2015, and receipt thereof on the dates shown:

Defendant brother Address Where Served 73 E. 10th St. BA, OK 74101 Date _____
Received _____

Signature of person mailing summons

**IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA**



WILLIE GILLIAM,

Plaintiff,

vs.

JOCO ASSEMBLY, LLC,
STANDBY PERSONNEL INC
Defendants.

Case No. **CJ-2015-03694**

Attorney Lien Claimed

ORIGINAL SUMMONS

**DISTRICT COURT
FILED**

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

OCT 19 2015

Standby Personnel, Inc.
c/o Mark Morris
1530 East 1st Street
Tulsa, OK 74120

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

To the

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Standby Personnel, Inc.
c/o Mark Morris
1530 East 1st Street
Tulsa, OK 74120



9590 9401 0061 5168 7806 03

2. Article Number (Transfer from service label).

7012 2920 0002 3932 5991

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLIE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Wanda Hadden

C. Date of Delivery

10/9/2015

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Registered Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Mail

☐ Restricted Delivery

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE

I certify that I received the foregoing Summons the _____ day of _____, 2015, and that I

P

delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of _____, 2015, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

NOT FOUND

Received this Summons this _____ day of _____, 2015. I certify that the following persons of the defendant within named not found in said County:

FEES

Fee for service \$ _____, Mileage \$ _____

Total \$ _____

Dated this _____ day of _____, 2015.

By:

Sheriff of _____ County,

AFFIDAVIT

I, _____, the undersigned, under oath, do say that I served this Summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Sheriff of _____ County,

Subscribed to and sworn to before me this _____ day of _____, 2015.

My Commission Expires: _____

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the 8 day of Oct, 2015, and receipt thereof on the dates shown:

Defendant
Received

Judy

Address Where Served

1330 E 12th St Tulsa OK 74106

Date 10-9-15

Signature of person mailing summons

Kedrick